

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IRON WORKERS' LOCAL NO. 25  
PENSION FUND, et al.,

Plaintiffs,

Case No. 06-13134

vs.

HON. GEORGE CARAM STEEH

C&A RE-STEEL SERVICE, INC.  
and CURTIS ALLAIN,

Defendants.

\_\_\_\_\_ /

ORDER GRANTING PLAINTIFFS' EX-PARTE MOTION FOR ALTERNATE SERVICE

Plaintiffs move for alternate service of process to be effected upon defendants C&A Re-Steel Service, Inc. and owner Curtis Allain. Service upon both a corporation and an individual may be effected pursuant to the law of the state in which the district court is located, here being Michigan. Fed. R. Civ. P. 4(e), (h)(1). Michigan law provides that, "[o]n a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard." M.C.R. 2.105(I)(1). Plaintiffs have shown that service of process cannot be made on defendant Curtis Allain under M.C.R. 2.105(A) or (B), or on defendant C&A Re-Steel Service, Inc. under M.C.R. 2.105(D).

In support of their motion for alternate service, plaintiffs provide the affidavit of the process server, which states that a total of seven attempts were made to serve defendants at C&A Re-Steel's corporate address and Mr. Allain's residence. The

Corporation & Securities Bureau in Lansing lists the registered office address of C&A Re-Steel Service, Inc as being 5104 Bennett Street, Jackson, Michigan 49201, and the process server confirmed that Mr. Allain resides at 290 Highland Drive, Jackson, Michigan 49201 and that a vehicle belonging to C&A Re-Steel was seen parked in that driveway. Plaintiff suggests as an alternate means of service of process sending copies of the Summons and Complaint by ordinary mail, certified mail, and posting copies at both the Bennett Street and Highland Drive addresses. The court approves of this alternate means of service of process, as reasonably calculated to give defendant actual notice.

A copy of this order together with the summons and complaint shall be sent by registered mail, return receipt requested, and by regular 1<sup>st</sup> class mail to defendant C&A Re-Steel Service, Inc. at 5104 Bennett Street, Jackson, Michigan 49201 and Curtis Allain at 290 Highland Drive, Jackson, Michigan 4920; and copies shall also be posted at both properties as requested by plaintiffs.

So Ordered.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2006

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on September 5, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Secretary/Deputy Clerk